

No.

CR 07 00340

RMW

RS

UNITED STATES DISTRICT COURT

10
Form
E-FILING

NORTHERN DISTRICT OF CALIFORNIA

Filed

MAY 30 2007

SAN JOSE DIVISION

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

THE UNITED STATES OF AMERICA

vs.

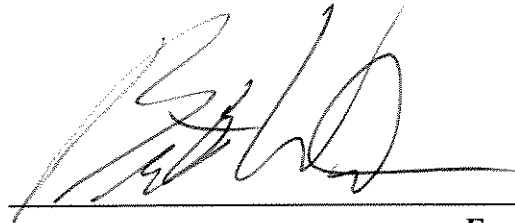
DANIEL VICTORIA-BENTANCOURT

INDICTMENT

COUNT ONE:

Title 8, U.S.C. § 1326 - Illegal Re-Entry Following
Deportation

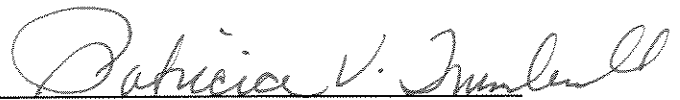
A true bill.



Foreperson

Filed in open court this 30 day of May

A.D. 2007



United States Magistrate Judge

Bail. \$ no process

SCOTT N. SCHOOLS (SCSBN 9990)
United States Attorney

Filed

MAY 30 2007

E-FILING

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

Sm

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

DANIEL VICTORIA-BENTANCOURT,

Defendant.

CR

07 00340

No.

RMW

VIOLATION: 8 U.S.C. § 1326 –
Illegal Re-Entry Following Deportation

RS

SAN JOSE VENUE

INDICTMENT

The Grand Jury charges:

On or about February 28, 2007, the defendant

DANIEL VICTORIA-BENTANCOURT,

an alien, previously having been arrested and deported from the United States on or about
June 3, 1999, was found in the Northern District of California, the Attorney General of the
United States and the Secretary for Homeland Security not having expressly consented to a re-
application by the defendant for admission into

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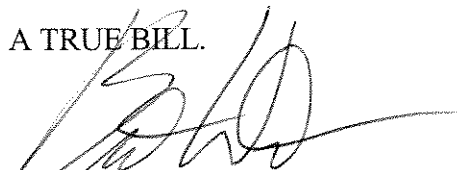
INDICTMENT

1 the United States, in violation of Title 8, United States Code, Section 1326.

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3 DATED:

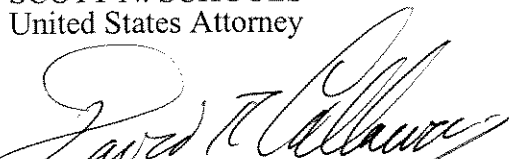
4 30-May-2007

A TRUE BILL.



FOREPERSON

6
7 SCOTT N. SCHOOLS
United States Attorney



9 DAVID R. CALLAWAY
10 Deputy Chief, San Jose Branch Office

11
12 (Approved as to form: )
13 SAUSA, BENJAMIN KENNEDY

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INDICTMENT

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING

OFFENSE CHARGED

Title 8, U.S.C. § 1326 - Illegal Re-Entry Following Deportation

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY:

20 years imprisonment
 \$250,000 fine
 3 years supervised release
 \$100 special assessment fee

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

ICE

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. Att'y ☐ Defense

☐ this prosecution relates to a pending case involving this same defendant

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

SHOW
DOCKET NO.

MAGISTRATE
CASE NO.

and Office of Person
Information on

SCOTT N. SCHOOLS

or Asst. U.S. Att'y
(if assigned)

BENJAMIN KENNEDY

Name of District Court, and/or Judge/Magistrate Location
 NORTHERN DISTRICT OF CALIFORNIA

MAY 30 2007

DEFENDANT - U.S.

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

DANIEL VICTORIA-BENTANCOURT

DISTRICT COURT NUMBER

07 00340 RMW

DEFENDANT

IS NOT IN CUSTODY

- 1) ☐ Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☒ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges

☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF
ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED
TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

☐ SUMMONS ☒ NO PROCESS*

☐ WARRANT Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address: _____

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____

Before Judge: _____

Comments: _____